

The Applicant's invention, as claimed in representative claim 15, recites in part a system for delivering content to a client system. The system includes a service provider and software transmitted to the client system from the service provider. The software ascertains infrastructure-related information regarding the client system when the client system executes the software. The service provider selects content to transmit to the client system in response to the configuration of the client system as indicated by the infrastructure-related information. For example, the specification describes an exemplary embodiment in which the service provider selects from different versions of the contents to send to a client (pg. 11, lns. 4-5, and 8-11).

Filepp discloses an interactive computer network that collects information related to a reception system's activities, such as types of informational services accessed, transactions processed, elapsed time between events (col. 88, lines 28-31), but not information related to the reception system's infrastructure. Unlike the applicant's claimed invention, Filepp's network server does not select advertising objects to send to the reception system based upon the configuration of the reception system as indicated by collected infrastructure-related information. Consequently, the Applicant agrees with the Office Action's assertion that "Filepp does not disclose selecting the content to transmit in response to the configuration of the

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client system as indicated by the infrastructure-related information ascertained by the software."

Moreover, the Applicant reiterates an argument from Applicant's previous communication, filed on May 21, 1999, that Filepp provides no motivation to select advertising objects upon the basis set forth in Applicant's claims. Typically, advertising content is based upon a user's demographics, not upon the configuration of that user's system. Modifying Filepp so that the network server determines those advertising objects to send to the reception system based upon the configuration of the reception system would change the basis upon which Filepp selects content to send to the reception system. For example, such a hypothetical modification could cause Filepp to send tobacco advertising to a twelve-year old simply because the configuration of the twelve-year-old's system could receive it. Because such a hypothetical modification would alter Filepp's underlying principle of operation, which is to select advertising objects based on user demographics, it would not be obvious to modify Filepp to produce the Applicant's invention.

Platt teaches a method of remotely installing software from a central computer. Platt determines whether or not to transmit the software depending upon certain capabilities of the receiving system, including whether the receiving system has the hardware and software to support the installation.

However, unlike the Applicant's invention, Platt does not select content based on the receiving system's capabilities. Platt presents an all-or-nothing proposition; that is, either to transmit the software, or do not to transmit the software. The content (i.e., the software to install) is predetermined -- no software selection process occurs nor is necessary.

Nor would one skilled in the art presented with Platt find any motivation to modify Filepp to select advertising objects based upon a configuration of the receiving system. Platt's use of configuration information is limited to determining whether or not the receiving system can adequately install particular software. Upon determining that the receiving system cannot install the software, Platt teaches canceling the installation and reporting an error only. One skilled in the art, therefore, would be motivated by Platt to cease transmission altogether, rather than to select content for transmission based on the configuration of the receiving system.

Consequently, any motivation to combine Platt and Filepp to produce a method or system that selects content based upon configuration originates from the Applicant's invention, and not from Platt or Filepp. The Office Action chooses to combine certain aspects of Filepp and Platt to arrive at Applicant's invention. However, another hypothetical combination of Platt and Filepp might produce a system that determines whether or not

to install software based on the Filepp's demographics. To select which combination to use must be provided by other motivation. Yet, neither Platt nor Filepp provide any teaching or suggestion that would motivate one skilled in the art to combine these references to produce the Applicant's invention rather than this other combination. Therefore, Applicant respectfully requests that the rejection be withdrawn because the cited references, taken alone or in combination, fail to teach or suggest selecting content in response to the configuration of the client system as set forth in the Applicant's claimed invention.


CONCLUSION

Applicant therefore submits that claims 2-9, 11-19, 21, 22, and 24-26 are allowable as amended and respectfully requests early favorable action by the Examiner.

If the Examiner believes that a telephone conversation with Applicant's agent would expedite prosecution of this application, the Examiner is cordially invited to call the undersigned agent of record.

Respectfully submitted,

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